

IN THE SENATE OF THE UNITED STATES.

MAY 30, 1860.—Ordered to be printed.

Mr. MALLORY submitted the following

REPORT.

*The Committee on Naval Affairs, to whom was referred the petition of T. Harman Patterson, have had the same under consideration, and report:*

The memorialist, a lieutenant in the navy, claims the sum of \$3,036 60 *extra pay*, alleged to be due to him as an assistant to the superintendent of the astronomical expedition from January 3, 1853, to January 14, 1855.

It will be remembered that in these years an astronomical corps was organized, under the command of Lieutenant Gillis, for observations in Chili, and to the officers who went to Chili upon it, and endured the labor, exposure, and expense, Congress gave extra compensation.

The petitioner was detailed by the department for duty, *not* upon the expedition to Chili, but in the city of Washington; and it is for doing this duty in the city of Washington, without the exposure, special labor, or expense, which induced Congress to reward his brother officers; and doing it in a manner not different in these respects from that of other employés of the government at this city; that he sets up this totally unfounded claim, which is unworthy of consideration.

The following letter from the Secretary of the Navy exhibits the true character of a claim, which your committee cannot but express surprise should have been preferred:

NAVY DEPARTMENT,  
March 17, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, inclosing the petition of T. Harman Patterson, a lieutenant in the United States navy, praying to be allowed increased compensation for the time he was employed on duty in connection with the astronomical expedition under Lieutenant J. M. Gilliss, and inquiring whether the facts are as alleged by the petitioner.

Lieutenant Patterson (as the copies of orders accompanying his petition show) was ordered, on the 31st of December, 1852, to report to

the chief of the Bureau of Ordnance and Hydrography "for duty connected with the astronomical expedition under Lieutenant James M. Gilliss," and was detached from that duty December 21, 1854. He was employed in assisting in the compilation and preparation for publication of the *results* of the expedition, and while so employed received the pay of a lieutenant on shore duty, \$1,500 per annum.

His was not a parallel case to those of Mr. MacRae and Mr. Phelps, which he cites. Those officers were ordered to report for duty "in making astronomical and other observations," authorized by the act of August 3, 1848. They were attached to the expedition at its organization, and were engaged in its duties in South America. Those duties were arduous, and the officers were subject to great exposure. The increased compensation authorized by the act of March 3, 1853, was doubtless in consideration of this labor and exposure, and was contemplated to be allowed only to those who had undergone it, and only while absent from the United States. The act based the increase on the pay the officers were receiving at the time of their "departure from the United States."

Lieutenant Patterson was not *absent* from the United States, but was engaged on office duty, in Washington. Mr. McRae and Mr. Phelps continued to receive the increased compensation for some time after their return, and while employed in the office upon duties similar to those of Lieutenant Patterson; but it is to be doubted whether the allowance was ever contemplated by the act of March 3, 1853, or that the construction given it was proper.

Lieutenants Herndon and Gibbon, who were engaged in the exploration of the Amazon, were allowed, by the act of March 3, 1853, the same pay that was allowed to Lieutenant Gilliss, of the Chili expedition, during the period of their services; which period was "to be reckoned from the date on which each officer left the United States until the final return of the exploring party."

The petition and papers are herewith returned.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Hon. S. R. MALLORY,

*Chairman of Committee on Naval Affairs, U. S. Senate.*

The adoption of the following resolution is recommended by your committee:

*Resolved, That the prayer of the petitioner be rejected.*